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July 26, 2021

BY ECF

Honorable Lewis A. Kaplan
United States District Judge
Honorable Robert W. Lehrburger
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jamarl Malik Townsend v. City of New York, et al.
19 Civ. 10944 (LAK) (RWL)

Your Honors:

I am Assistant Corporation Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, and the attorney representing defendants City of New York and Police Officer U.C. 349 ("defendants") in the above-referenced matter. Defendants respectfully write in accordance with Section 12 of Your Honor's Civil Case Management Plan and Scheduling Order to notify the Court that discovery in this matter closes today, July 26, 2021, and that defendants intend to move for summary judgment pursuant to Federal Rule of Civil Procedure 56. Additionally, defendants respectfully request an additional three weeks, until September 15, 2021, to file their motion for summary judgment. Plaintiff's counsel, Alexis Padilla, consents to this request.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, against defendants City of New York and New York City Police Department Undercover Officer 349. Specifically, plaintiff alleges that he was falsely arrested on January 2, 2018, and that, as a result, he was maliciously prosecuted and denied the right to a fair trial. Pursuant to the Court's Scheduling Order referenced above, the Court directed any party who intends to file a summary judgment motion to inform Your Honor and the District Judge, by no later than the close of discovery, of their intention to move for summary judgment. (ECF No. 23). Accordingly, defendants write to inform the Court of their intention to move for summary judgment. In addition, and pursuant to the Court's Order, defendants' motion for summary judgment is currently due on August 25, 2021. Due to other upcoming deadlines, deposition dates, and

previously scheduled vacations, however, defendants respectfully request an additional three weeks to serve their motion papers on plaintiff. Accordingly, defendants respectfully request the Court's endorsement for the following proposed briefing schedule:

- i. Defendants serve their motion papers on plaintiff on or before September 15, 2021;
- ii. Plaintiff serves his Opposition on defendants, if any, on or before September 29, 2021 (within fourteen days of service of the moving papers); and
- iii. Defendants serve their Reply on plaintiff on or before October 6, 2021 (within seven days of receiving a copy of the plaintiff's Opposition, if any).

Thank you for your consideration herein.

Respectfully submitted,


/s/ *Inna Shapovalova*

Inna Shapovalova
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY ECF**
Alexis G. Padilla Esq.
Attorney for plaintiff

SO ORDERED:

7/27/2021


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE